A3

a second beam radiation section for scanning the charged particle beam over the pattern under conditions different from conditions for the first charged particle beam radiation; and

an observation section for observing the pattern by detecting secondary electrons from the surface of the sample.

A4

16. (Amended) A pattern observation method for observing a pattern by radiating a charged particle beam on a sample in which the pattern is formed on a substrate, the method comprising:

a first step of performing a first charged particle beam radiation on a sample in which a pattern is formed on a substrate and a surface of the substrate including the pattern is covered with an insulating film whose surface is flat including the pattern, and charging a surface of the sample;

a second step of scanning the charged particle beam over the pattern under conditions different from conditions for the first charged particle beam radiation; and

a third step of observing the pattern by detecting secondary electrons from the surface of the sample.

A5

--23. (New) A pattern observation apparatus according to claim 1, wherein

the charged particle beam scanning mechanism performs a first charged particle beam radiation on the sample to charge a surface of the sample, and performs a second charged particle beam radiation on the sample to scan the charged particle beam over the pattern.

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